

21 C.J.S. Courts § 134

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Courts

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IV. Terms and Sessions

A. Definitions

§ 134. Sessions

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A session of court is the time during a term in which the court actually sits to transact judicial business.

A session of court is the time during a term in which the court actually sits to transact business.¹

A court is not in session until the judge arrives and opens court.² The court is in session when the judge—attended by the court officials and the parties and their counsel and witnesses—proceeds with the dispatch of judicial business even if the sitting happens to be in a portion of the building that does not have the words "court room" upon its doors.³

Although the words "term" and "session" are sometimes treated as synonymous, or nearly so,⁴ there is a clear distinction between their meanings, which is sometimes important.⁵

"Sitting" of court.

A "sitting," as used in a statute, may mean a session for the day,⁶ or the word may be used in such a way that it will be regarded as signifying a term.⁷

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Footnotes

1 Ala.—*Carpenter v. City of Birmingham*, 221 Ala. 368, 128 So. 899 (1930).

2 Ala.—*Carpenter v. City of Birmingham*, 221 Ala. 368, 128 So. 899 (1930).

3 Wis.—*Bloomer v. Bloomer*, 197 Wis. 140, 221 N.W. 734 (1928).

4 Ala.—*Livingston Bail Bonds v. State*, 416 So. 2d 423, 32 A.L.R.4th 594 (Ala. 1982).

5 Ala.—*Carpenter v. City of Birmingham*, 221 Ala. 368, 128 So. 899 (1930).

"Term" of court defined, see § 133.

Distinction stated

There is a wide distinction between the legal significance of a "term" of court and a "session" of court; the former is the legally prescribed time for the actual holding of sessions of court within that time, and each occasion of such holding is a "session," and there may be as many or more of them as there are days allotted to the term.

Ky.—*Hinkle v. Rose*, 233 Ky. 606, 26 S.W.2d 541 (1930).

6 N.Y.—*Matter of O'Connell's Estate*, 90 Misc. 2d 555, 394 N.Y.S.2d 816 (Sur. Ct. 1977).

7 N.Y.—*Matter of O'Connell's Estate*, 90 Misc. 2d 555, 394 N.Y.S.2d 816 (Sur. Ct. 1977).